

Andover Conservation Commission Meeting Minutes January 11, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:
Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink,
Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Floyd Greenwood and
Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of
Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEM:

218 Holt Road

Present in Interest: Rich Dugas - DUCOM

Staff Recommendation: Approve as a Neg. 3 Subject to Conditions

Public Meeting on the Request for Determination of Applicability to determine if the proposed installation of a sewer line is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40.

Ms. Cleary presented this to the Commission and recommended approval as a Negative 3 subject to conditions. The site conditions do not comport to the Town's GIS maps and this is not unusual. Findings # 3 states that the scope of work is limited to installation of the sewer line only. Installation will be through existing lawn approximately 35 feet from the resource area. Findings #4 states that the applicant can't rely on the GIS Map for future projects.

After reviewing Ms. Cleary's conditions, Commissioner Walsh made a Motion to approve as a Negative 3 subject to conditions as drafted; it was seconded by Commissioner Fink and unanimously approved.

ACTION ITEMS:

Lot 2 Haybale Road

Staff Recommendation: Approve

Request for One Year Extension to the Order of Conditions for Lot 2 under By-Law #00001.

Ms. Cleary informed the Commission that this is the last lot of the subdivision. A year would be sufficient to complete this project and the Lot has been stabilized. The conditions and or

regulations under the By-Law have not changed. All the conditions have been addressed for this address. The permit was automatically extended to 2012 under the Permit Extension Act. Commissioner Honea made a Motion to approve One Year Extension; it was seconded by Commissioner Greenwood and unanimously approved.

39 Lucerne Avenue

Staff Recommendation: Approve

Request for Temporary Cessation of Inspection Reports.

Ms. Cleary informed the Commission that the property owner is considering a change to the approved plan and that work is not scheduled to begin again until May. Ann Marton inspected the property and said it would be appropriate to temporarily suspend inspection reports until work resumes.

Commissioner Walsh made a Motion to approve Temporary Cessation of Inspections Reports; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT ITEMS:

6 Shattuck Road

Staff Recommendation: Approve

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Ms. Cleary stated the project has been stabilized and completed according to plan.

Commissioner Walsh made a Motion to approve Issuance of a Notification of Satisfactory Completion of Work Certificate; it was seconded by Commissioner Driscoll and unanimously approved.

109 Holt Road

Staff Recommendation: Approve

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Commissioner Walsh made a Motion to approve Issuance of a Notification of Satisfactory Completion of Work Certificate; it was seconded by Commissioner Driscoll and unanimously approved.

22 Blanchard Street

Staff Recommendation: Table.

Issuance of a Notification of Satisfactory Completion of Work Certificate.

The Issuance of the Work Certificate was tabled by the Commission. The site is presently unstable according to Ms. Cleary.

CONTINUED SCHEDULED ITEMS:

29 Boutwell Road

Staff Recommendation: Not Action not heard within 21 day deadline.

Public Hearing on the Abbreviated Notice of Resource Area Delineation filed under Massachusetts Wetland Protection Act, M.G.L. 131, & 140, to confirm the Resource Area Delineation of bordering vegetated wetland and intermittent stream.

Mr. Douglas reported that the Applicant has filed an Appeal to DEP because the project was not heard within the 21 day regulatory deadline. Mr. Douglas and Commissioner Fink reported that they had inspected the site with the wetlands consultants before learning of the appeal. They had observed wetlands indicators in several locations beyond the delineations shown on the ARAD site plan and were unable to confirm the delineations shown.

Commissioner Walsh made a motion not to confirm delineations or issue an Order of Resource Delineation because of the appeal. It was seconded by Commissioner Driscoll the Staff and unanimously approved.

Massachusetts Bay Commuter Railroad Company

Present in Interest: Mark Jones and Mike Clark - Arcadis

Staff Recommendation: Approve

Public Hearing on a Request for an Amended Order of Conditions filed by Massachusetts Bay Commuter Railroad Company (MCCR) under the Massachusetts Wetland Protection Act, M.G.L. 131, & 140, for an extension of the project work limits (approximately 2,900 feet to Andover Street at Ballardvale Station) at Andover Street.

The Commission reviewed an amended site plan that proposes approximately 2,900 more feet of tracks to be added to an existing track bed running north from the Ballardvale Station. The work is similar to the original project. The Commission makes the findings that the requested Amendment does not significantly change the previously proposed project and is consistent with

the work as approved by the Commission in DEP 090-1114. The sedimentation controls are to be installed as shown on the plan MBCR Haverhill Line Upgrades Figure A-5a dated December 2011. Notice was given to the abutters in accordance to a linear project. The Commission reviewed the draft Amended Order.

Commissioner Fink made a Motion approve the revised site plan, close the Public Hearing, and to issue the Amended Order of Conditions as drafted; it was seconded by Commissioner Greenwood and unanimously approved.

14 Wabanaki Way

Present in Interest: Norse Environmental – Maureen Hanley and Adam Wolff - homeowner

Staff Recommendation: Approve and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed by Adam Wolff under the Massachusetts Wetland Protection Act, M.G.L. 131, & 40, for the proposed construction of an in ground swimming pool, spa, concrete patio, fence and associated grading and utilities.

Mr. Douglas presented to Commission. A site walk was completed by Mr. Douglas and the Commission members on December 18, 2011. A revised site plan was then submitted. The Commission questioned the proposed number and location of trees that the applicant proposed to cut in the Buffer Zone. The Commission requested an additional site walk and further plan revisions to clarify the proposed cutting. Prior to the site walk the following 2 actions need to be completed. 1. Allow the homeowner (Mr. Wolff) time to make final clarification on what trees are staying and being removed (to include marking up plan to reflect this and using colored tape and or ribbon). A new modified certified engineered plot plan is not required and current marked up drawing will be acceptable. 2. A site walk is to be conducted with Mr. Douglas, Commissioner Fink, Maureen Hanley-Norse Environmental and homeowner to review the marked up drawings. The Commission suggested to the homeowner to preserve as many trees as possible around the property line.

Commissioner Walsh made a motion to continue this Public Hearing to the next meeting on January 25, 2012; it was seconded by Commissioner Greenwood and unanimously approved.

18 River Road

Present in Interest: John Kuipers

Staff Recommendation: Approve

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by Robert Givens under the Massachusetts Wetland Protection Act, Chapter 131 & 40 and/or Wetland Protection By-law, Article XIV, to determine the accuracy of the bordering vegetated wetland. DEP 090-1148

Mr. Douglas presented to the Commission. The Commission reviewed the December 20, 2011 site visit report and revised site plan. The Commission reviewed the December 20, 2011 site visit report and revised site plan. The Commission reviewed draft findings and agreed to confirm the A & B Flags and the presence of intermittent streams. There was not enough information for the Commission to classify the “farm drain” or determine whether the ponded areas were certifiable as vernal pools.

Commissioner Fink made a Motion to close the Public Hearing and issue an Order of Resource Area Delineation with the findings made this evening; it was seconded by Commissioner Driscoll and unanimously approved.

232 River Road

Present in Interest: Tracie Fountas

Staff Recommendation: Approve

Continued Public Hearing on a Notice of Intent Filed by Tracie Fountas under the Massachusetts Wetland Protection Act, Chapter 131 & 40 and/or Wetland Protection By-law, Article XIV, for proposed construction of a single family home with appurtenances in 200 foot Riverfront & 100 foot buffer zone.

Mr. Douglas presented to Commission. This site abuts Fish Brook North. The area is part of the Watershed Protection Overlay District. The design will restore and protect the disturbed wetlands, most of the buffer zone, and the inner Riverfront area on the site. The house is sited on the height of the property. It has good mitigation with quite a bit of trash removal. Almost the entire buffer zone is going to be remained protected. There have been recent beaver activities, and water levels have been extremely high. A report was submitted to the Conservation Division from Beaver Solutions, Inc. hired by the abutting neighbors, in reference to this water problem. The site was a former farm, and already has the grass established and cut very low. It was suggested to leave this in meadow habitat. The Commission reviewed the Draft Order and decided to keep provisions to say that it shall remain a no disturbance zone, and in Commission's sole discretion, the owner may maintain a meadow once per year by mowing in the Fall and eliminating saplings or other plans agreed to in writing by the Commission.

Commissioner Fink made a Motion to approve the project, close Public Hearing and to issue the Order of Conditions as revised this evening; it was seconded by Commissioner Greenwood and unanimously approved.

197 Andover Street

Present in Interest: None

Staff Recommendation: Approve

Continued Public Hearing on a Notice of Intent Filed by Shane Marrion under the Massachusetts Wetland Protection Act, Chapter 131 & 40 and/or Wetland Protection By-law, Article XIV, for proposed construction of a parking lot and renovation of an existing driveway.

Mr. Douglas presented to Commission. A site visit was conducted to view the proposed construction of six space parking lot. A revised plan has been submitted. The applicant has proposed a donation of land with additional tasks per legal counsel. The land would be accepted as a gift. The Commission reviewed a draft Order of Conditions.

Commissioner Fink made a Motion to approve the project, close Public Hearing, and issue the Order of Conditions as drafted; it was seconded by Commissioner Greenwood and unanimously approved.

104 Pine Street

Present in Interest: Ralph Gentile, Jerry Druth, Sue Spark, Julie Pike and Peter Morris

Continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by Melissa Dovner, Executrix (Estate of Phyllis Wagman) under the Massachusetts Wetland Protection Act, Chapter 131 & 40, to confirm the delineation of an intermittent stream and associated resource areas.

Mr. Douglas presented to Commission. This was continued from December 15, 2011 for purpose of adjusting the flagging; reviewing of flow patterns between wetlands, examining a possible vernal pool, and making a site visit on December 18, 2011. The flagging had been significantly altered for the site visit, and a revised site plan had been submitted for the hearing. The revised plan did not show the pipes located within the wetlands on site. A requirement by the Commission was to produce a plan including the pipes within one week (January 18, 2012) from a certified Surveyor. On receipt of the revised plan, Mr. Douglas would issue the Order of Resource Area Delineation. The Commission reviewed a draft ORAD to confirm the delineations as shown tonight, and note that a large area on the property maybe a vernal pool and there is a possible underground stream diagonally in front of the house.

Commissioner Fink made a Motion to close the Public Hearing and issue the Order of Resource Area Delineation with findings made this evening; it was seconded by Commissioner Greenwood and unanimously approved.

Merrimack College

Present in Interest: Jeff Doggett and Bob Coppola – Merrimack, Chris Lovett – VHB, Jim Loft PAO Con Inc.

Mr. Douglas presented to the commission. The project was continued from November 1, 2011, for the purpose of site walk, peer review, and landscaping plans rain gardens. The Commission asked questions about the performance of the existing detention basins, soils tests for the proposed rain gardens, configuration of certain catch basins and manholes, and long-term

monitoring. The Commission asked VHB to submit additional information and a revised plan to address the questions.

Commissioner Walsh made a motion to continue this Public Hearing to the next meeting on January 25, 2012; it was seconded by Commissioner Porter and unanimously approved.

254 South Main Street

Ratify Emergency Certification for Phillips Academy to repair a broken subsurface drain pipe.

Commissioner Walsh made a motion to ratify the Emergency Certification; it was seconded by Commissioner Porter and unanimously approved.

CONTINUED ACTION ITEMS:

Bay Circuit Trail Off of Gray Road

Present in Interest: David and Lawrence Stein

Staff Recommendation: Approve

Request to approve bridges to allow bicycles and hikers to use the trail safely and protect the trail from erosion as an Eagle Scout Project at Bay Circuit Trail off of Gray Road.

David Stein presented an Eagle Scout Project proposed to the Commission about the construction of a bog bridge at (Bay Circuit Trail) off of Gray Road, which is very muddy and hard to walk. The bridge he would like to construct would be approximately 100 feet long. A picture was submitted by Mr. Stein which includes Part A, B and C. Part A will be constructed 6 – 8 inches off the ground in a 100 ft section with an additional 10 ft section at the head of the trail. The material to include (2) 2 x 10 ft boards and using 6 x 6 2 ft boards as sleepers. The wood to construct this bridge will be pressure treated lumber with (8) iron rebar on end of the 30 ft and 70ft sections to prevent sinking. Part B is to be constructed similar to Part A with the same techniques and will be 70 ft long. Part C is to be constructed in 30 ft sections and will then connect to Part A. Chairman Cooper suggested any wood cutting not occur on site and that any sawdust or other debris on site be removed immediately.

Commissioner Greenwood made a Motion to approve the Eagle Scout Project; it was seconded by Commissioner Driscoll and unanimously approved.

Boy Scout Troop 79

Sign Service Letter for Troop 79 for work performed supporting the Town of Andover's Trail around Haggets Pond.

Mr. Douglas presented to commission. He would like to draft and send a letter of appreciation to Troop 79 for their work performed on the Trail around Haggets Pond.

Commissioner Walsh made a Motion to approve to send a letter to Troop 79; it was seconded by Commissioner Driscoll and unanimously approved.

104 Greenwood

Ratify Emergency Certification for Collapsed Corrugated 24' Drain.

Commissioner Walsh made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Fink and unanimously approved.

The next meeting will be held at 7:45 p.m. on January 25, 2012.

The meeting was adjourned at 11:13 p.m. by Motion of Commissioner Walsh it, was seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

Wendy Adams
Recording Secretary